

December 13, 2006

Ms. Marilyn Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Re: Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as amended by the Cable Television Consumer Protection and Competition Act of 1992, MB Docket No. 05-311

Dear Ms. Dortch:

Since the beginning of cable television franchising possibilities in Chicago during the 1980s, I and many other residents and community leaders have worked to assure that the public has fair access to the cable systems in our city. As concerned citizens, we want to maintain this valuable electronic medium to raise critical issues affecting our communities and to promote goodwill efforts throughout our state. And, we also want to maintain enough channel capacity to assure a consistent program schedule which is key to properly educating and informing the public. **As you know, the FCC no longer requires community programming by broadcast networks thereby giving them the legal right to eliminate or reduce programs that offer redeeming social value. Therefore, since your ruling, the only available television option open to the people is the original programming they produce through PUBLIC, EDUCATIONAL, AND GOVERNMENT ACCESS (PEG).**

I am expressing my concerns because for 13 years I have been a producer at Chicago Access Network Television and served on the Chicago Access Corporation Board of Directors for five years. I know firsthand the value PEG Access brings to the Chicago metropolitan area and other cities in Illinois. Additionally, the cable channels operated by the City of Chicago provide residents with critical information we would not get from broadcast television or the Internet. In my view, the loss of PEG funding and support would be an infringement of our Constitutional rights since the public airways belong to the people. To assure that these rights are protected, I believe that it is the responsibility of Congress to fairly rewrite the Cable Communications Policy Act of 1984 as amended and weigh the effects of their decisions on the goodwill PEG Access has built over the years.

For the reasons expressed above and many more, I unite with Alliance for Community Media members in calling for competition without destruction of local, community controlled media.

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1) The proposed rule eliminates incentive for providers to negotiate in good faith. If the city and the provider do not come to agreement within 90 days, the provider can proceed without an agreement. They can then make billions of dollars using our public land without considering local needs. This framework would be unreasonable.

2) The proposed rule lacks a remedy for geographic discrimination. Public, Education and Government Access, or PEG, are tools to engage our local communities in democracy. Democratic participation should be for all, not based on a company business rule. The public-right-of-way is owned by all in our community, not just those in an area lucky enough to be served. We believe that inevitable market imbalances must be anticipated by the FCC, as they were by Congress, and that any rule-making must provide these three elements:

- A) A standard for identifying imbalances in service.
- B) A party responsible for identifying the imbalance—logically, the municipality.
- C) A means for prevention or remedy of the imbalance.

3) The proposed rule reduces the support for PEG or other community media services from what is allowed by current Federal law. We believe this is an arbitrary reduction which will hurt our communities. It is in direct contradiction to language authored by telephone companies and already passed in key states such as California and Texas. This reduction would eliminate a valued community resource with no demonstrated effect on either subscriber price or level of competition.

4) The changes being proposed to the law are dramatic. We believe that such changes to the law should be made by Congress, not the FCC. These changes will slow competition by confusing the legal framework. Such changes should be decided by law-makers, not the courts. The FCC should not usurp Congressional authority.

We look forward to working with the FCC to establish a process which supports both competition and community fairness. Please contact us if you have questions or comments.

Sincerely,

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A COPY HAS BEEN SENT TO MY CONGRESSIONAL DELEGATION.